# TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

**TO:** Mayor and Councilmembers

**FROM/PHONE:** Mark Kutney, AICP, Development Services Director/ (954) 797-1101

Prepared by David M. Abramson, Planner III

**SUBJECT:** Resolution: DG 3-2-06 / 04-438 / Lakeside Townshops / 5700 University

Drive / Generally located at the northeast corner of University Drive and

Stirling Road

**AFFECTED DISTRICT:** District 2

#### TITLE OF AGENDA ITEM:

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING TO VACATE EASEMENTS ON THE "MEEKS FARMS" PLAT, AND PROVIDING AN EFFECTIVE DATE.

#### **REPORT IN BRIEF:**

The petitioner is requesting to vacate the following easements on the "Meeks Farms" Plat:

- 20' Drainage Easement
- 12' Utility and Recreational Easement
- A portion of 6' Utility Easement
- A portion of 50' x 82' Traffic Control Devices Easement
- A portion of 50' x 124' Ingress-Egress Easement

This request will only directly affect the western portion of this plat and shall be in concert with the proposed site plan's vehicular traffic, utilities, and drainage. Additionally, the petitioner shall be required to relocate the Recreational Easement along the western property line prior to certificate of occupancy on the "Meek Farms" Plat.

Staff finds that the proposed amendment is consistent with the existing and proposed use of the subject site.

**PREVIOUS ACTIONS:** None

**CONCURRENCES:** N/A

FISCAL IMPACT: N/A

**RECOMMENDATION:** Staff finds the subject application complete and suitable for transmittal to Town Council for further consideration.

**Attachments:** Resolution, Planning Report, Justification Letter, Plat, Proposed Sketch of Vacated Easements, Future Land Use Map, and Aerial/Zoning/Subject Site Map

RESOLUTION
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A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING TO VACATE EASEMENTS ON THE "MEEKS FARMS" PLAT, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the boundary plat known as the Meeks Farms was recorded in the public records of Broward County in Plat Book 161, Page 24; and

WHEREAS, the owners desire to vacate easements associated with said plat; and

WHEREAS, Broward County requires that the Town of Davie concur with this amendment prior to a review of the proposed revision by Broward County Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. The Town Council of the Town of Davie does hereby approve of the proposed amendment to vacate eaements on the Meeks Farms Plat. The proposed revision being specifically described on the planning report attached hereto as Exhibit "A."

SECTION 2. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPT	ED THIS DAY	OF, 2006.
ATTEST:		
		MAYOR/COUNCILMEMBER
TOWN CLERK	-	
APPROVED THIS	DAY OF	, 2006.

**Application:** DG 3-2-06 / 04-438 / Lakeside Townshops **Revision(s):** 8/1/06

Exhibit "A" Original Report Date: 7/19/06

#### TOWN OF DAVIE

# **Development Services Department** Planning & Zoning Division Staff Report and Recommendation

# **Applicant Information**

**Petitioner:** Owner:

Name: Name: Stiles Development Co. Miller Legg

1800 North Douglas Road Address: 300 SE 2 Street Address: Fort Lauderdale, FL 33301 Pembroke Pines, FL 33024 City: City:

Phone: (954) 627-9173 Phone: (954) 436-7000

# **Background Information**

**Application Request:** Delegation approval to vacate the following easements on the

"Meeks Farms" Plat:

• 20' Drainage Easement

12' Utility and Recreational Easement

A portion of 6' Utility Easement

A portion of 50' x 82' Traffic Control Devices Easement

**Use Plan Map Designations:** 

A portion of 50' x 124' Ingress-Egress Easement

Address/Location: 5700 South University Drive / Generally located on the northeast

side of Stirling Road and University Drive

**Future Land** 

East:

Use Plan Map: Commercial

**Zoning:** CC, Commerce Center District

**Existing Use(s): Retail Shopping Center** 

**Surrounding Uses: Surrounding Land** 

North: Nursery Commerce/Office

South:

Vacant Commercial Land/CBWCD/ Commercial

Silverado Homes Residential (5 DU/AC)

Exotic Acres/Landscape Nursery Residential (1 DU/AC),

With Single Family Homes Residential (10 DU/AC)

University Creek Shops/Gas Station Commercial West:

## **Surrounding Zoning:**

**North:** CC, Commerce Center District

**South:** B-3, Planned Business Center District /RM-5, Low Medium Density Dwelling

District/CF, Community Facilities District

**East:** A-1, Agricultural District/R-1, Estate Dwelling District

West: B-2, Community Business District

## **Zoning History**

## **Related Zoning History:**

Rezoning Application (ZB 12-1-03), On June 16, 2004, Town Council approved the rezoning request for the Wolf Family Plat, from CC, Commerce Center District to UC, Urban Commercial District subject to the recordation of a Declaration of Restrictive Covenant to restrict the subject property from the following uses: catering establishments, dance hall/club, game room/arcade, golf course, hotel/motel, mobile home sales, mortuary, motor fuel pumps, motorcycle shop, pawnshop, private clubs, massage parlor, adult bookstore, pinball or electronic game room, an establishment that permits nude or partially nude entertainment, or so called "head shop".

## Concurrent Request on same property:

Site Plan (SP 2-1-06), this application is proposing a site plan for a new one-story financial institution at Lakeside Townshops.

## Previous Requests on same property:

Plat Application, Meeks Farms Plat, was approved by the Broward County Commission on January 17, 1995 for 27,810 square feet of office use under the *de minimis* exception to traffic concurrency, with a requirement that a building permit be issued by January 17, 1998. On March 18, 1997, the County Commission approved a delegation request amending the note on the plat to permit 125,000 square feet of office use, with the requirement that a building permit be issued by March 18, 2002. No building permit has been issued and the County's finding of adequacy expired on March 18, 2002.

Plat Application, On March 16, 1999, Town Council approved Wolf Family Plat (Plat Book 171, Page 85) through Resolution R 99-91 that allows for 90,000 square feet of commercial use, 387,000 square feet of office use, 100,000 square feet of warehouse/storage use and a 185 room hotel. This plat was approved by the Broward County Board of County Commissioners on November 7, 2000.

Land Use Plan Amendment Application (LA 00-01A), May 3, 2000, Town Council denied to change the land use of the subject site from Commerce/Office to Commercial

Delegation Request (DG 12-2-03), On May 19, 2004, Town Council approved the delegation request to amend the restrictive note on the "Wolf Family Plat." From: "This plat is restricted to 90,000 square feet of commercial use, 387,000 square feet of office use, 100,000 square feet of warehouse/storage use and a 185 room hotel. Commercial uses shall be restricted to restaurants, retail establishments, and personal service and shall not consume more than 20 percent of the gross floor area on this plat. Commercial/retail uses are not permitted within

the warehouse/storage and/or office use without the approval of the Board of County Commissioners who shall review and address these uses for increase impacts." To: "This plat is restricted to 275,000 square feet of commercial use."

*Master Site Plan* (MSP 2-1-04), On June 22, 2004, Town Council approved Lakeside Town Shops master site plan for 272,375 square feet of retail use.

Developers Agreement (DA 3-1-04), On May 19, 2004, Town Council approved the developers agreement for the findings of adequacy for Meeks Farms Plat, and amending the restrictive note on the plat From "This plat is restricted to 125,000 square feet of office use. Commercial/retail uses are not permitted without the approval of the Board of County Commissioners who shall review and address these uses for increases impact." To "This plat is restricted to 7,000 square feet of bank use."

Delegation Request (DG 3-1-04), On June 16, 2004, Town Council approved the delegation requesting to amend the non-vehicular access line (NVAL) along Stirling Road to allow a 100-foot opening rather than the 50-foot opening recorded on the Wolf Family Plat.

Land Use Plan Amendment Application (LA 3-10), On July 7, 2004, Town Council approved this Ordinance 2004-21 to adopt Land Use Amendment LA 3-10 to change the land use of the subject site from Commerce/Office to Commercial.

Developers Agreement (4-1-05) Town Council approved the Developer's Agreement to enter into a Regional Road Concurrency Agreement for the installation of improvements to satisfy traffic concurrency for the Meeks Farms Plat.

*Site Plan Modification* (SPM 3-8-05), Planning and Zoning Division approved this application to modify the approved Lakeside Town Shops master site plan.

Delegation Request (DG 10-3-04), At the July 6, 2005 Town Council Meeting, Council Member Paul made a motion, seconded by Vice-Mayor Hubert to approve Delegation Request DG 10-3-04 / Lakeside Town Shops subject to the following conditions. The traffic light location on the north end of the subject site and at the intersection of Stirling and Griffin Road shall have: 1) pedestrian crosswalks, and 2) countdown light signals – not to exceed \$30,000.

Site Plan (SP 11-2-04), On July 20, 2005, Town Council approved Wachovia at Lakeside Townshops site plan for a new one-story financial institution.

Site Plan (SP 4-9-05), On December 7, 2005, Town Council approved Steak and Shake at Lakeside Townshops site plan for a new one-story restaurant.

Delegation Request (DG 2-2-06), On March 1, 2006, Town Council approved this delegation application requesting to amend the non-vehicular access line (NVAL) on the "Meeks Farms" Plat

*Site Plan* (SPM 12-9-05), On July 5, 2006, Town Council approved this application is proposing a site plan modification to the approved Lakeside Townshops master site plan.

# **Comprehensive Plan Considerations**

## **Planning Area:**

The subject property falls within Planning Area 10. This Planning Area is generally located north of Stirling Road, south of Griffin Road, east of Pine Island Road, and west of SW 76 Avenue. Pine Island Road, a major north/south arterial, on the western limits of this planning area provides through access from Griffin Road to Stirling Road. Commercial development of retail centers and office buildings line the University Drive corridor. The east side of this corridor is predominantly small-scale commercial development, with multi-family residential development (one existing, one proposed) and plant nurseries on the northern half of the corridor, and commerce park development and cattle grazing on commerce park-zoned lands on the southern half. Commercial development also exists along Griffin Road within this planning area. Several small-scale single-family residential communities, two trailer parks totaling approximately 30 acres in area, and an 8-acre industrial park are located within this planning area, together with six parcels zoned for community facilities uses. These include, but are not limited to, a regional library, multiple church uses varying scales, a Girl Scout campground facility, and a private school.

**Broward County Land Use Plan:** The subject site falls within Flexibility Zone 102.

## **Applicable Goals, Objectives & Policies:**

Future Land Use Plan, Objective 17: Land Use Compatibility and Community Appearance, Policy 17-6: Town land development regulations shall address incompatible land uses through requirements such as buffering and setbacks.

Future Land Use Plan, Objective 17: Land Use Compatibility and Community Appearance, Policy 17-7: Adopted land development regulations shall continue to set forth setbacks or separation regulations, landscaping requirements, and minimum open space criteria to enhance living and working environments.

# **Applicable Codes and Ordinances**

The effective Code of Ordinances governing this project is the Town of Davie Land Development Code.

Land Development Code (Section 12-24(D)), the Urban Commercial (UC) District is intended to provide for a mix of retail, office, and residential uses in a medium to high-density environment. Areas so designated in the Town of Davie Comprehensive Plan will have some open space requirements to complement the higher densities permitted in the district.

The Broward County Land Development Code requires Delegation Requests for plat note amendments.

# **Application Details**

The petitioner is requesting to vacate the following easements on the "Meeks Farms" Plat:

- 20' Drainage Easement
- 12' Utility and Recreational Easement
- A portion of 6' Utility Easement
- A portion of 50' x 82' Traffic Control Devices Easement
- A portion of 50' x 124' Ingress-Egress Easement

This request will only directly affect the western portion of this plat and shall be in concert with the proposed site plan's vehicular traffic, utilities, and drainage. Additionally, the petitioner shall be required to relocate the Recreational Easement along the western property line prior to certificate of occupancy on the "Meek Farms" Plat.

# **Staff Analysis**

This request is directly associated to Site Plan Application (SP 2-1-06) Eastern Financial Credit Union. Approval of this request is subject to Broward County Development Management Division. Broward County is the lead agency in assessing the impact of development through the plat and/or delegation request process.

## **Findings of Fact**

Staff finds the plat amendment consistent with the site plan and is compatible with the surrounding areas. Staff has no objection to the request.

#### **Staff Recommendation**

Staff finds the subject application complete and suitable for transmittal to the Town Council for further consideration.

#### **Exhibits**

- 1. Justification Letter
- 2. Plat
- 4. Proposed Sketch of Vacated Easements
- 5. Future Land Use Map
- 6. Zoning and Aerial Map

Prepared by:	Reviewed by:
repared by	Reviewed by.

#### File Location:

\\ns\_th\_01\Town\_Hall\Develop\_Service\P&Z\David
Abramson\Applications\DG\_Delegation\DG\_06\DG 3-2-06 Lakeside Townshops

## **Exhibit 1** (Justification Letter)

#### JUSTIFICATION

Delegation Request to Vacate
20' Drainage Easement,
12' Utility Easement,
a portion of 6' Utility Easement,
a portion of 50' x 82' Traffic Control Devices Easement including corner chord,
and a portion of 50' x 124' ingress-egress easement
on the Meeks Farms Plat (047-MP-93)

The Meeks Farms "Plat" generally located north of Stirling Road between University Drive and S.W. 76<sup>th</sup> Avenue within the Town of Davie and recorded on 07/21/1996 in Plat Book 161, Page 24 of the Public Records of Broward County, Florida and amended on 03-18-97 (Note Amendment. The applicant is requesting to vacate the 20-foot drainage easement, the 12-foot utility easement and recreational path, a portion of the 6-foot utility easement, a portion of the traffic control devices easement, and a portion of the ingress-egress easement. The request results in modifications to the following general staff recommendations:

#### Staff Recommendation 19:

"Provide 6-foot utility easements along the east and west plat limits bordering the thoroughfare dedications, and a 6-foot utility easement as shown on the attached sketch as requested by Florida Power & Light".

#### Description of Modification:

Vacate the 6-foot utility easement along the west plat limits and vacate a portion of the 6-foot utility easement along the south and north plat limits.

#### Staff Recommendation 20:

"Provide a 12-foot utility easement and recreational path along the east and west plat limits adjacent to University Drive and Southwest 76 Avenue as requested by Southern Bell.

#### Description of Modification:

Vacate the 12-foot utility easement along the west plat limits adjacent to University Drive.

#### Staff Recommendation 7 (FOA 04-26-05):

"Provide a 50-foot x 124-foot ingress/egress easement on University Drive at the 25-foot opening located at the south plat limits. The dimensions may be modified to more closely approximate the proposed driveway dimensions. The design is to be approved by the Traffic Engineering and Highway Construction and Engineering Divisions. This access easement to be used in conjunction with the 50-foot x 124-foot ingress/egress easement provided by the "Wolf Family Plat" (Plat Book 171, Page 85), to provide one access easement to serve both developments."

#### Description of Modification:

Vacate a portion of 50-foot x 124-foot ingress/egress easement on University Drive located at the south plat limits.

#### Staff Recommendation 9 (FOA 04-26-05):

"50 feet wide by 82 feet deep on University Drive at the 50-foot opening (100-foot shared) opening. The dimensions may be modified to more closely approximate the proposed driveway/roadway dimensions. The design is to be approved by the traffic Engineering Division."

#### Description of Modification:

Vacate a portion of 50 feet wide by 82 feet deep on University Drive on University Drive located at the south plat limits.

A vacation to the 20-foot drainage easement on the Meeks Farms plat, Plat Book 161, Page 24, Broward County, is requested because a drainage master system has been developed for Lakeside Town Shops. The Meeks Farms plat is located within the Lakeside Town Shops development. This development has completed construction of the drainage master system and easements for the system have been recorded. Therefore, the 20-foot drainage easement shown on the Meeks Farms plat is no longer required. Copies of the recorded documents are enclosed for reference.

A vacation to the 12-foot utility easement and recreational path on the Meeks Farms plat, Plat Book 161, Page 24, Broward County, is requested to relocate and re-record the 12-foot utility easement and recreational path adjacent to the right-of-way once the 20-foot drainage easement is vacated.

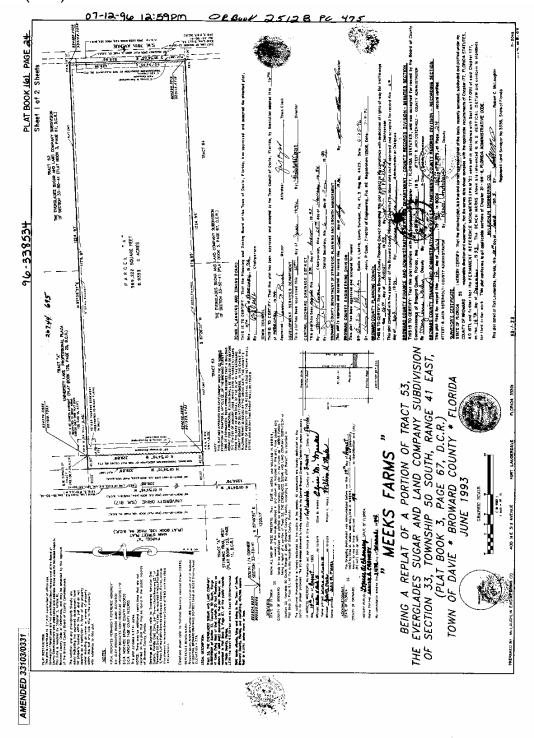
A vacation to a portion of the 6-foot utility easement on the Meeks Farms plat, Plat Book 161, Page 24, Broward County, is requested because FPL and Bellsouth easements have been granted via separate instrument for the Lakeside Town Shops development. The Meeks Farms plat is located within the Lakeside Town Shops development. Therefore, a portion of the 6-foot utility easement for FPL on the Meeks Farms plat is no longer needed. Copies of the recorded documents are enclosed for reference.

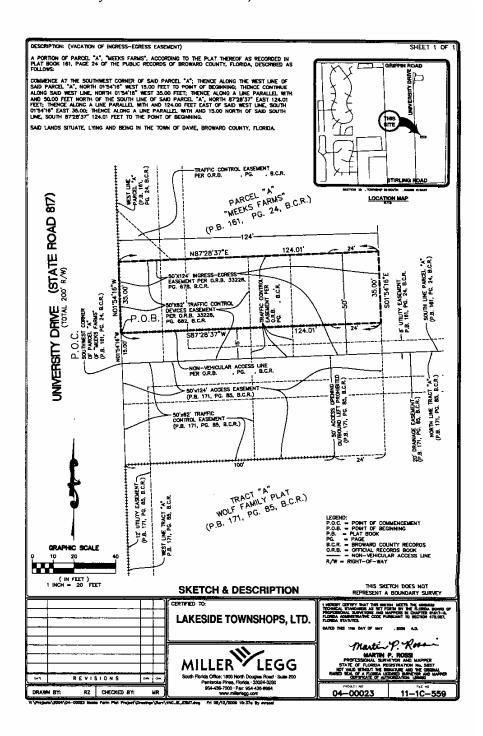
A vacation to a portion of the 50' x 82' traffic control devices easement including corner chord on the Meeks Farms plat, Plat Book 161, Page 24, Broward County, is requested to provide a traffic control devices easement consistent with the recently modified non-vehicular access line.

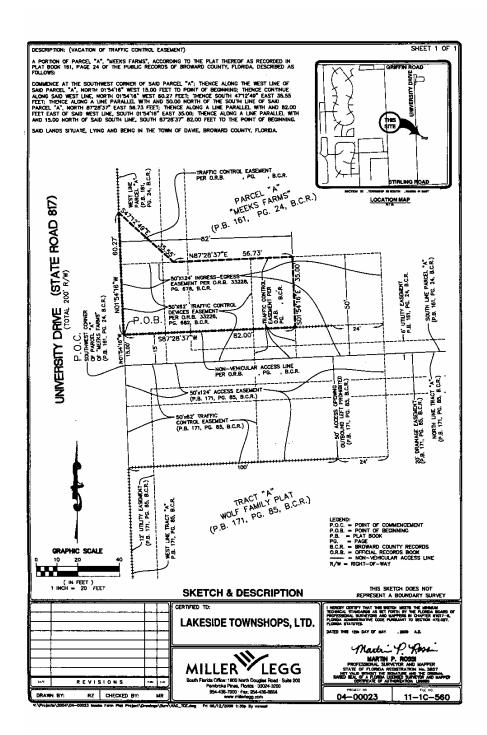
A vacation to a portion of the 50'x124' ingress-egress easement on the Meeks Farms plat, Plat Book 161, Page 24, Broward County, is requested to provide a traffic control devices easement consistent with the recently modified non-vehicular access line.

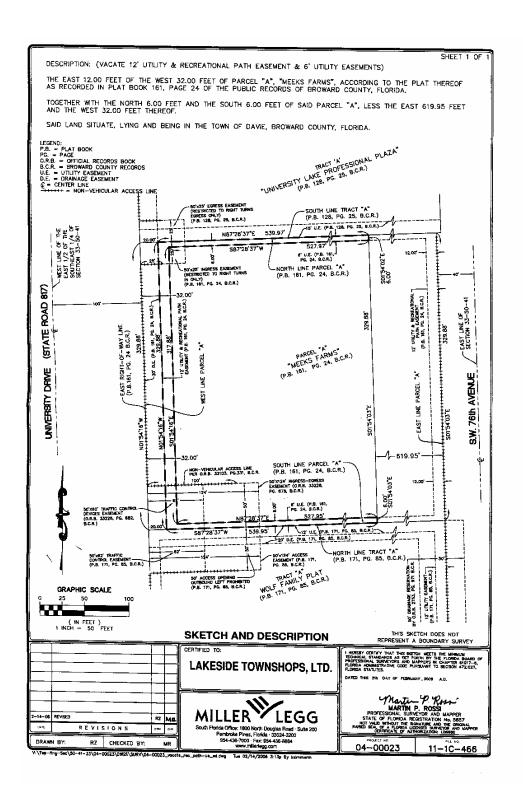
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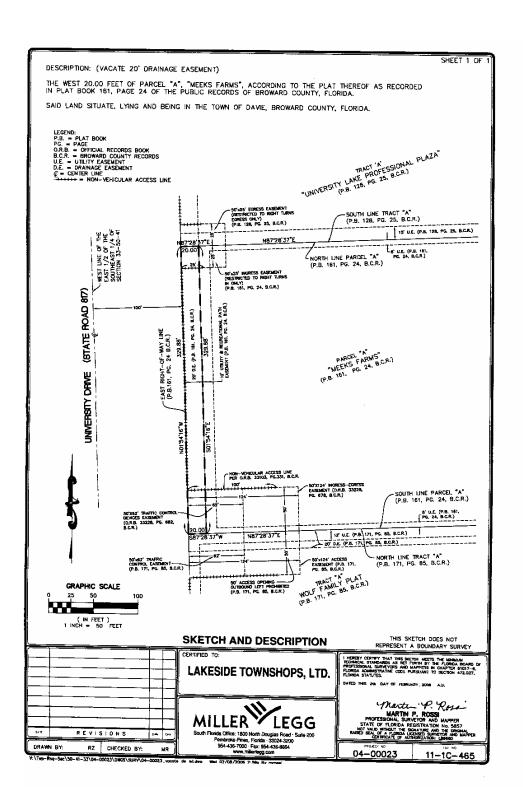
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# Exhibit 4 (Future Land Use Map)

